



MAY 13 2002

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Carl A. Forest
PATTON BOGGS LLP
867 Coal Creek Circle #200
Louisville, CO 80027

In re Application of :
RUMP, Niels *et al* :
U.S. Application No.: 09/913,695 :
PCT No.: PCT/EP99/09977 :
Int. Filing Date: 15 December 1999 :
Priority Date: 16 February 1999 :
Attorney Docket No.: 13189.136 :
For: METHOD AND DEVICE FOR :
GENERATING AN ENCRYPTED USER :
DATA STREAM . . . :

**DECISION ON
PETITION UNDER
37 CFR 1.47(a)**

This is a decision on the "Request for Reconsideration" filed on 11 April 2002.

BACKGROUND

On 06 March 2002, a decision dismissing the petition under 37 CFR 1.47(a) was mailed because applicants failed to satisfy item (2).

On 11 April 2002, applicants submitted the instant request which was accompanied by, *inter alia*, a declaration signed by the missing co-inventor.

DISCUSSION

In the renewed request, applicants declare that the missing co-inventor contacted the German patent attorney and agreed to sign a declaration for the above-identified application. This signed declaration is included with the instant response. Accordingly, applicants petition under 37 CFR 1.47(a) for an inventor who cannot be located is moot.

However, a review of the declaration signed by Mr. Rump reveals that it is not in compliance with 37 CFR 1.497. Specifically, the inventive entity listed is not the same as the inventive entity listed on the international publication, or the declaration filed 11 January 2002 for this application.

While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity.

In this case, there is only one inventor listed on page 3 of 3 of the declaration submitted with the instant response and signed by Mr. Rump. Three inventors are listed on the declaration submitted in the above-captioned application on 11 January 2002 and the international publication ("WO 00/49762") for PCT/EP99/09977.

Thus, the declaration submitted is not in compliance with 37 CFR 1.497(a)(3) in that it does not properly identify each inventor.

CONCLUSION

For the reasons above, applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** as moot.

Applicants must submit a declaration in compliance with 37 CFR 1.497(a) and (b) within **TWO (2) MONTHS** from the mail date of this decision.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Leonard Smith
PCT Legal Examiner
PCT Legal Office



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New Rump Decln. Due None extensible
7/13/02
Due Date: 7/13/02
Statutory Deadline: 7/13/02
Date Docketed: 5/22/02
Docketed by: [initials]
Sec: ECV [initials]
Atty: CAF

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CONCLUSION

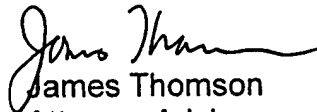
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May 22, 2002

Carl A. Forest
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VIA US AIRMAIL

Mr. Niels Rump
16 Chatsworth Avenue
Bromley, Kent BR1 1DP
United Kingdom

RE: U.S. Patent Application No. 09/913,695
National Phase Based on International Application PCT/EP99/09977
**Method And Device For Generating An Encrypted User Data Stream And Method
And Device For Playing Back An Encrypted User Data Stream**
Inventors: Niels Rump, Juergen Koller and Karlheinz Brandenburg
Schoppe Ref: FH991204PUS; PB Ref: 13189.136
AND
U.S. Patent Application Serial No. 09/913,686
National Phase Based on International Application PCT/EP99/09981
**Method And Device For Producing An Encrypted Payload Data Stream And
Method And Device For Decrypting An Encrypted Payload Data Stream**
Inventors: Niels Rump, Juergen Koller and Karlheinz Brandenburg
Your Ref: FH991202PUS; PB Ref: 13189.137
AND
U.S. Patent Application Serial No. 09/913,690
National Phase Based on International Application PCT/EP99/09980
**Method And Apparatus For Generating A Data Stream And Method And
Apparatus For Playing A Data Stream**
Inventors: Niels Rump, Juergen Koller and Karlheinz Brandenburg
Your Ref: FH991203PUS; PB Ref: 13189.138

Dear Mr. Rump:

Enclosed for your information please find a copy of the Decision On Petition Under 37 CFR 1.47(a) received in the first application referenced above, Serial No. 09/913,695. Pursuant to the decision by the US Patent Office in this application, we are enclosing three Combined Declaration And Power Of Attorney forms, one for each application, for your signature. The only change on these revised forms is the signature page, where we have added signature blocks for Mr. Koller and Mr. Brandenburg. Please sign and date all three documents in the space next to your name and return them to me immediately in the enclosed Federal Express envelope for filing with the US Patent Office. Please note that the signatures of Mr. Koller and Mr. Brandenburg are not required.

Doc. 6556

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EX. B

PATTON BOGGS LLP
ATTORNEYS AT LAW

Mr. Niels Rump
May 22, 2002
Page 2

If you should have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,
PATTON BOGGS LLP



Carl A. Forest
Partner

CAF/ecv
Enclosures

cc: Mr. Fritz Schoppe